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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,448	12/30/1999	David Johnston LYNCH	RCA-89-385	6337

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EXAMINER
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WILDER, PETER C

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/475,448

Applicant(s)

LYNCH, DAVID JOHNSTON

Examiner

Peter C. Wilder

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Claims 1-9 canceled.

Claims 10 and 23 amended.

Claims 11-22 and 24-29 unamended.

In view of the appeal brief filed on 8/11/2006, PROSECUTION IS HEREBY REOPENED. A new Office Action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Chris Grant

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-13, 21, 23, and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Casement et al. (U.S. 6144401).

Regarding claim 10, Casement teaches a system comprising: a video signal processor (Figure 1 element 38) for producing an output signal suitable for coupling to a display device (16, 18, 20, 22 are receiving locations the display are TVs 30 and 34, Column 3 lines 16-20) to produce a plurality of images for display to at least one viewer (Figure 1 element 38 Column 3 lines 10-20).

a supervisor control system operable by a supervisor to create at least one viewer profile identifying programs to be blocked from display to the at least one viewer (Column 4 lines 7-17, The viewer profile an individual at the receiving location that does not have the rights to watch certain things on the television).

said supervisor control system operable by the supervisor to select a specific program having a rating above a set rating for blocking programs applicable to said viewer profile such that the select program is unblocked while the other of said plurality of images for display are blocked according to said viewer profile, whereby upon completion of the selected specific program, said supervisor control system identifies programs to be blocked according to the at least one viewer profile (Column 6 lines 11-40 teaches allowing a user/supervisor to unlock a locked program).

Regarding claim 11, depending on claim 10, Casement teaches the images correspond to programs and the viewer profile identifies programs to be blocked from display to the at least one viewer (Column 6 lines 11-40, The one viewer profile is a profile for the entire family).

Regarding claim 12, depending on claim 10, Casement teaches images correspond to channels and wherein the viewer profile identifies channels to be blocked from display to at least one viewer (Column 4 lines 7-17 teaches someone in the house who does not have the rights to watch a channel and will be unable to watch the channel because the blocking was set up to their viewer profile level by someone else in the receiving location).

Regarding claim 13, depending on claim 10, Casement teaches wherein said viewer profile identifies at least one time period during which all images are to be blocked from display to the viewer (Column 4 lines 7-17 and Column 5 lines 2-15).

Regarding claim 21, depending on claim 10, Casement teaches the supervisor control system 20 for producing an output signal includes at least one item selected from the group comprising: television receiver (Figure 1 element 38), VCR tuner (Figure 1 and Column 3 lines 1-41).

Regarding claim 23, Casement teaches a video signal processing system for producing an output signal suitable for coupling to a display device to produce images to be displayed to at least one viewer (Figure 1 teaches display devices elements 30 and 34 at receiving locations 22 and 20), a method for blocking viewing by at least one viewer comprising the steps of;

creating a viewer profile identifying images to be blocked for a corresponding viewer (Column 4 lines 6-18 The viewer profile an individual at the receiving location that does not have the rights to watch certain things on the television);

selecting a program having a rating above a set rating for blocking programs to be applied to said viewer profile so as to allow said corresponding viewer to view said selected program (Column 6 lines 11-40 teaches allowing a user/supervisor to unlock a locked program);

monitoring blocking of the other of said images to be displayed according to the viewer profile (Column 6 lines 11-23 teaches only unblocking the individual program so the rest of the programs or channels that are supposed to be blocked are still blocked);  
and

monitoring blocking of viewer of all images according to the viewer profile upon completion of said selected program (Column 6 lines 11-23 teaches unblocking a program and it is inherent that a program has a beginning and ending time so when a program is done if other blocking is programmed in the system to be occurring then the blocking will continue).

Regarding claim 27, depending on claim 23, see rejection of claim 11.

Regarding claim 28, depending on claim 23, see rejection of claim 12.

Regarding claim 29, depending on claim 23, see rejection of claim 13.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-17, 19, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casement et al. (U.S. 5,828,402) in view of Collings (U.S. 5,828,402).

Regarding claim 14, depending on claim 10, Casement fails to teach wherein an override list is formed including a selection of a plurality of programs having a rating above a set rating for blocking programs applicable to the viewer profile by a user and the override list is applicable to at least one corresponding viewer profile such that at

least one image to be blocked according to the viewer profile is unblocked and at least one other image not blocked according to the viewer profile is blocked.

In an analogous art Collings teaches wherein an override list is formed including a selection of a plurality of programs having a rating above a set rating for blocking programs applicable to the viewer profile by a user and the override list is applicable to at least one corresponding viewer profile such that at least one image to be blocked according to the viewer profile is unblocked and at least one other image not blocked according to the viewer profile is blocked (Column 17, lines 1-32 and Figures 5B and Figure 5H).

At the time the invention was made it would have been obvious for one skilled in the art to modify the program blocking and unblocking function/device of Casement using the override list function/device of Collings for the purpose of allowing a parent to unblock a specific program that had been previously blocked by the system.

Regarding claim 15, depending on claim 14, Collings discloses the override list (figure 5B) is temporarily applied to at least one viewer profile (Column 17, lines 1-32).

Regarding claim 16, depending on claim 14, Collings discloses the override list is applied for a period of time specified by the supervisor (suspend for 1 hour: Column 17, lines 20-32 and Figure 5I).



Regarding claim 17, depending on claim 14, Collings discloses the override list includes at least one override selected from the group comprising at least one channel override, at least one time period blocking override, at least one rating blocking override, at least one program override, at least one total view time override (Column 17, lines 1-32; figure 5B).

Regarding claim 19, depending on claim 10, Casement fails to teach teaches the control system 20 operable by the supervisor to create a plurality of override lists (more than one feature) applicable to the at least one viewer profile.

In an analogous art Collings teaches the control system 20 operable by the supervisor to create a plurality of override lists (more than one feature) applicable to the at least one viewer profile (Column 17, lines 20-32; Figure 5B).

At the time the invention was made it would have been obvious for one skilled in the art to modify the program blocking and unblocking function/device of Casement using the override list function/device of Collings for the purpose of allowing a parent to unblock a specific program that had been previously blocked by the system.

Regarding claim 22, depending on claim 14, Collings teaches a display to a viewer a blocking status based upon the override list (Figure 5B).

Regarding claim 24, depending on claim 23, Casement fails to teach forming the override list upon selection of a plurality of programs and storing said override list in a memory of said system.

In an analogous art Collings discloses forming the override list (Figures 5B-5I) and the user preference information is stored in non-volatile memory 58 (Column 13 lines 7-25; Column 17 lines 58-60).

At the time the invention was made it would have been obvious for one skilled in the art to modify the program blocking and unblocking function/device of Casement using the override list function/device of Collings for the purpose of allowing a parent to unblock a specific program that had been previously blocked by the system.

Regarding claim 25, depending on claim 24, Casement teaches the step of specifying a time period for application of said override list to said viewer profile (Column 5 lines 2-15).

Regarding claim 26, depending on claim 24, Casement teaches a step of applying said override list to said viewer profile at the start of said specified time period and stopping application of said list to said viewer profile after expiration of said specified time period (Column 6 lines 11-14 teaches the temporarily disabling a blocking feature for a program; Thus when the program begins the program will be unblocked and when it finishes airing, which is a specified time period, the blocking features that would normally block the program would be activated).

Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Casement et al. (U.S. 5,828,402) in view of Collings (U.S. 5,828,402) further in view of Sullivan et al. (U.S. 204/0040034 A1).

Regarding claim 18, depending on claim 14, Casement and Collings teach an override list, but fail to teach at least one list is applicable to a plurality of viewer profiles.

In an analogous art Sullivan teaches wherein said at least one list is applicable to a plurality of viewer profiles (§[0036] teaches an age group of children can have different parental controls of other age groups. The individual children in the age group have a common profile of being a certain age and the same parental control settings/list apply to all the children with the age profile).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined functions/devices of Casement and Collings with the signal control settings for children each having a profile of being a certain age of Sullivan for the purpose of being able to easily modify the parental control settings for a group that are always the same.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Casement et al. (U.S. 5,828,402) in view of West et al. (U.S. 5,550,575).

Regarding claim 20, depending on claim 10, Casement fails to teach wherein said control system is operable by said supervisor to create a plurality of override lists applicable to a plurality of viewer profiles.

In an analogous art West teaches said control system is operable by said supervisor to create a plurality of override lists applicable to a plurality of viewer profiles (Column 5 lines 30-40 teaches multiple user profiles each having there own levels of censorship, Also Column 7, lines 29-40 and Column 14, lines 16-37).

At the time the invention was made it would have been obvious for one skilled in the art to modify the program blocking and unblocking function/device of Casement using the multiple profiles with overrides lists function/device of West for the purpose of allowing the parent to specify the level of viewing for each member of a household that has different age groups.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. Wilder whose telephone number is 571-272-2826. The examiner can normally be reached on 8 AM - 4PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PW



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